

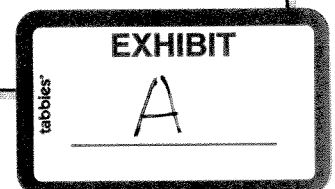
IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his )  
capacity as ATTORNEY GENERAL )  
OF THE STATE OF OKLAHOMA and )  
OKLAHOMA SECRETARY OF THE )  
ENVIRONMENT C. MILES TOLBERT, )  
in his capacity as the )  
TRUSTEE FOR NATURAL RESOURCES )  
FOR THE STATE OF OKLAHOMA, )  
Plaintiff, )  
vs. ) 4:05-CV-00329-TCK-SAJ  
TYSON FOODS, INC., et al, )  
Defendants. )

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THE DEPOSITION OF MICHAEL

LANGLEY, produced as a witness on behalf of the  
Plaintiff in the above styled and numbered cause,  
taken on the 7th day of November, 2007, in the City  
of Tulsa, County of Tulsa, State of Oklahoma, before  
me, Lisa A. Steinmeyer, a Certified Shorthand  
Reporter, duly certified under and by virtue of the  
laws of the State of Oklahoma.

TULSA FREELANCE REPORTERS  
918-587-2878



1 A We had commercial eggs.

2 Q Commercial eggs, I'm sorry. I misunderstood  
3 you. For what integrator?

4 A Started out as Cargill, changed to Cal-Maine.  
5 At one time it was called Sunny Days. 11:38AM

6 Q Why did you change from Cargill to Cal-Maine?

7 A They changed. I didn't change. It was just  
8 the company changed names. Stayed the same.  
9 Everybody -- I mean the whole thing was the same.

10 Q Okay, and it was eggs throughout the entire 11:38AM  
11 time period?

12 A Yes.

13 Q Okay. Have you ever applied poultry waste to  
14 land?

15 A Yes. 11:39AM

16 Q Okay. Prior to 1998?

17 A I'm assuming, yeah, that I did.

18 Q Okay, and after 1998?

19 A Yes.

20 Q Okay. Have you ever worked for a poultry 11:39AM  
21 applicator or a poultry waste applicator business as  
22 opposed to owning one; have you ever worked for one?

23 A No.

24 Q Have you ever owned a poultry waste applicator  
25 company? 11:39AM

1 A Yes. I owned a partnership in it.

2 Q Who was your partner?

3 A Roger Collins.

4 Q What was the name of that business?

5 A Greener Pastures. 11:39AM

6 Q And where was the location of that business?

7 A It would be Roger's address is what we used,  
8 Route 2, Box 650.

9 Q Is that close by your address?

10 A It's within a mile. 11:40AM

11 Q Okay, and when did you start that business?

12 A I'm not sure on that. It was '02, '03,  
13 somewhere in there.

14 Q Are you still in that business?

15 A No. 11:40AM

16 Q When did you get out of the business?

17 A In May.

18 Q Of?

19 A '07.

20 Q May '07. And was the business comprised of 11:40AM  
21 just you and Mr. Collins or did you also have other  
22 employees as well?

23 A We had other employees.

24 Q How many other employees?

25 A Two, three. 11:40AM

1 Q Who owns the land at your P. O. Box; do you  
2 own that land?

3 A Yes, I do.

4 Q Do you also own land in Arkansas?

5 A No, I don't.

12:44PM

6 MR. BAKER: Those are all my questions  
7 right now. Thank you.

8 MR. McDANIEL: I have a few questions.

9 CROSS EXAMINATION

10 BY MR. McDANIEL:

12:45PM

11 Q Mr. Langley, my name is Scott McDaniel. We  
12 met downstairs. I'm an attorney and I represent  
13 Peterson Farms, Inc., and I'm here in the room today  
14 because Peterson Farms is one of the poultry  
15 companies sued by the State of Oklahoma in this  
16 case, just so you know who I am. I do have a few  
17 follow-up questions I want to ask you. Now, when  
18 you were operating as a poultry litter applicator,  
19 you had a license to do so?

12:45PM

20 A That's correct.

12:45PM

21 Q From the State of Oklahoma?

22 A Yes.

23 Q Now, as a private applicator, does that mean  
24 you can only apply on your own land; is that how  
25 that works? What's the limit if you are only a

12:46PM

1 licensed private applicator?

2 A That you could only apply land or land apply  
3 litter to your own property that you own.

4 Q Okay. So if you are going to do it for money  
5 on somebody else's property, that's when you have to  
6 step up and get a commercial license from the State  
7 of Oklahoma?

12:46PM

8 A That's correct.

9 Q I've asked the reporter to mark this grouping  
10 of documents as Exhibit 3 to your deposition and  
11 I'll represent to you that these are documents that  
12 were pulled from the records of the Oklahoma  
13 Department of Agriculture, Food & Forestry. Do you  
14 recognize the documents that are grouped as Exhibit  
15 3?

12:46PM

12:47PM

16 A Yes, I do.

17 Q Describe generally what these are, sir.

18 A This is just correspondence between the State  
19 of Oklahoma and myself on getting a license, a  
20 commercial applicator's license.

12:48PM

21 Q And the reason I pulled these together, so  
22 tell me if you agree with me, is that each one of  
23 these reflects the State of Oklahoma acknowledging  
24 your commercial license starting with the first one  
25 in April of 2003 and then January of 2004, then

12:48PM

1 January of 2005, January of 2006 and then January of  
2 2007; is that right?

3 A That's correct.

4 Q Okay. To your knowledge, sir, were these  
5 the -- all of the years that you have held a  
6 commercial license from the State of Oklahoma; in  
7 other words, you started in 2003 and you've kept  
8 your license until this current year?

12:48PM

9 A That's correct.

10 Q Okay. Thank you. You can set that aside or  
11 let me have it here. As part of being a certified  
12 commercial litter applicator, what did the State  
13 regulations require you to do as far as your  
14 training or education?

12:48PM

15 A That you have three hours of annual education  
16 each year, that you maintain that in order to keep  
17 your license and turn in all the paperwork that they  
18 require you.

12:49PM

19 Q Okay. We've handed you what the reporter has  
20 marked as Exhibit 4, and I don't expect you to  
21 recognize this, sir, because this is a record we  
22 obtained from the Oklahoma Department of  
23 Agriculture, Food & Forestry, but would you look on  
24 the first page there and it says Mike Langley. That  
25 is your address and phone number; is that correct?

12:49PM

12:50PM

1 Q Taught was my word, yeah. I'm sorry. Did I  
2 confuse the issue? I'm just trying to figure out --

3 A The majority of the courses I remember taking  
4 would have been you sit there and watch a video of  
5 something they've put together.

12:52PM

6 Q Okay.

7 A I mean somebody stands up and tells you what  
8 is going to happen and all this, and then there was  
9 some -- there might be three or four different  
10 people that would actually teach the course.

12:53PM

11 Q Have you been to any of the courses where  
12 poultry growers were attending to get their  
13 continuing education?

14 A Yes.

15 Q Okay. Do you know, sir, whether the courses  
16 that you took were sponsored by the State of  
17 Oklahoma?

12:53PM

18 A I have no idea who sponsored them.

19 Q But all the courses that you took, you knew  
20 the State of Oklahoma would give you credit towards  
21 your license requirement?

12:53PM

22 A Yes.

23 Q Okay. You can set that -- here, let me have  
24 that. I think that's all the documents I'm going to  
25 hand you. Now, in order to be a commercial poultry

12:53PM



1 litter applicator, you had regulations established  
2 by the State of Oklahoma that governed how you did  
3 your job; is that correct?

4 A That's correct.

5 Q As part of your training, did you have to get 12:54PM  
6 ahold of those rules and read through those?

7 A Yes.

8 Q Sir, when you -- when you land applied poultry  
9 litter within the state of Oklahoma, were you  
10 required to follow the State's regulations about -- 12:54PM  
11 for land application?

12 A Yes.

13 Q Is it your belief that you and Mr. Collins in  
14 your business, that you did follow those  
15 regulations? 12:54PM

16 MR. GARREN: Object to the form.

17 A Yes.

18 Q Was it your practice when you were in the  
19 commercial application business, was it your  
20 practice to try to follow the regulations in doing 12:55PM  
21 your business?

22 A Yes.

23 Q Now, I assume you understand that there is a  
24 limit to how much poultry litter you can put down  
25 and it may vary from field to field; right? 12:55PM



1 A Yes.

2 Q When you have land applied poultry litter on  
3 land other than your own land, who made the decision  
4 where the litter would be applied?

5 A The people that we was putting litter on for. 12:56PM

6 Q The landowner?

7 A The landowner.

8 Q What are the types of folks or operations that  
9 were customers that bought poultry litter, and what  
10 I mean is, is it like cattlemen, hay raisers, row 12:57PM  
11 croppers; who are the folks out there that are  
12 buying and asking for litter to be applied on their  
13 land?

14 A Cattlemen and hay raisers.

15 Q Those primarily two? 12:57PM

16 A There's no row crops in our rocks.

17 Q Do you like using poultry litter on your own  
18 land?

19 MR. GARREN: Objection to the form.

20 A Yes. 12:57PM

21 Q Why do you like it?

22 A It does much more good. You establish more of  
23 a grass content there. You get more production out  
24 of it than commercial, and in my opinion you don't  
25 have near the runoff of nutrients because of all the 12:57PM

1 represent the various Tyson entities that were sued  
2 by the State of Oklahoma in this case. I just want  
3 to make sure I understood your testimony earlier  
4 concerning the farms that or the barns that used to  
5 be owned by Tyson in Westville and specifically  
6 Complex 1 and Complex 15. If I understand your  
7 testimony correct, you purchased litter from the  
8 barns at Complex 1 and Complex 15; correct?

01:14PM

9 A That's correct.

10 Q And when you purchased that litter, you made  
11 the determination of where that litter was going to  
12 go; correct?

01:14PM

13 A That's correct.

14 Q Tyson wasn't involved in that decision?

15 A No.

01:14PM

16 MR. BOND: I don't have any questions.

17 Thank you.

18 MR. FREEMAN: I don't have anything for  
19 Simmons. Thank you for coming, though.

20 MR. McDANIEL: Nothing here.

01:14PM

21 MR. BAKER: On the phone, any questions?

22 MS. GRIFFIN: No, thank you.

23 MR. WILLIAMS: Mr. Langley will read and  
24 sign his transcript.

25 (Whereupon, the deposition was

01:15PM